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Morris County Board of Chosen Freeholders

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MORRIS COUNTY BOARD OF
CHOSEN FREEHOLDERS

Plaintiff,
v.

FREEDOM FROM RELIGION
FOUNDATION and DAVID
STEKETEE

Defendants.

CASE NO.: _____

VERIFIED COMPLAINT

1. The County of Morris (“County”) is a governmental entity organized and existing under the laws of the State of New Jersey.

2. Upon information and belief, Freedom from Religion Foundation (“FFRF”) is a Wisconsin corporation dedicated to the eradication of religious freedom under the First Amendment.

3. David Steketee (“Steketee”) is a resident of Morris County.

4. The County has had a voter approved program which provided grants to non-profit entities, including religious institutions, which owned buildings named to the federal or state list of historical buildings (“Grant Program”).

5. On December 1, 2015, FFRF filed suit against the County to enjoin that portion of the Grant Program which provided grants to religious institutions which qualified under the Grant Program.

6. On January 9, 2017, the Law Division of the Superior Court of New Jersey for Somerset County (“law Division”), granted summary judgement in favor of the County.

7. FFRF filed an appeal with the Appellate Division of the Superior Court of New Jersey.

8. On April 7, 2017, the County filed a motion to relax certain court rules and permit a direct appeal to the New Jersey Supreme Court.

9. On June 2, 2017, the Court granted the County’s motion.

10. On April 18, 2018, the Supreme Court issued its opinion reversing summary judgement in favor of the County. Although the Court made reference to the decision in *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012 (2017), it held that a provision of the New Jersey Constitution which predates the United States Constitution was controlling.

11. The County filed an application for certiorari with the United Supreme Court. That application was denied, with three (3) Justices dissenting.

12. On March 27, 2019, FFRF filed a motion with the Law Division seeking to reopen the original complaint and award it approximately \$750,000.00 in counsel fees as a “prevailing party.”

13. Although the Law Division shared the County’s view that the Grant Program was constitutionally sound, it is now constrained by the decision of the New Jersey Supreme Court which denied application of *Trinity Lutheran*.

14. The County thus faces the imposition of substantial counsel fees based upon the erroneous decision of the New Jersey Supreme Court. The County is also compelled to deny grants to religious institutions in violation of the United States Constitution. The County has no adequate basis for relief in the New Jersey Courts.

WHEREFORE, the County asks this Court to enter an order:

1. Enjoining FFRF and Steketee from seeking counsel fees from the County in the Law Division; and,

2. Permitting the County to proceed with the Grant Program's issuance of grants to religious institutions.

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By: /s/ John M. Bowens
John M. Bowens, Esq.

Dated: April 12, 2019

VERIFICATION

JOHN M. BOWENS, of full age, being duly sworn upon his oath, says:

1. I have read the facts asserted in the foregoing Verified Complaint and they are true and accurate to the best of my knowledge and belief.
2. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

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Dated: April 12, 2019